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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

National institutions for the promotion and protection of human rights

Report of the Secretary-General

I. INTRODUCTION

1. This report has been prepared pursuant to paragraph 16 of resolution 2001/80 adopted by the Commission on Human Rights on 25 April 2001. In the resolution the Commission, welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights, requested the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions.

2. This report covers activities for the period from 30 November 2000, the cut-off date of the report to the fifty-seventh session of the Commission on Human Rights (E/CN.4/2001/99) to 30 November 2001. Pursuant to General Assembly resolution 54/176 the Secretary-General submitted to the General Assembly at its fifty-sixth session a biennial report concerning the work of the Office of the High Commissioner for Human Rights (OHCHR) in this field which covered the period from September 1999 to July 2001 (A/56/255). Both reports should therefore be read together.

3. This report provides additional information regarding relevant aspects of advisory services and technical cooperation activities undertaken during the reporting period and

emphasizes the work of national institutions in relation to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as consultations by the treaty monitoring bodies and protection mechanisms with national institutions. Information regarding activities of national institutions in respect to specific thematic human rights issues has also been included.

4. Additional information on consultations with and assistance for the establishment or strengthening of national institutions can also be found in the OHCHR reports on the programme of advisory services and technical assistance in the field of human rights, OHCHR reports on activities of the Voluntary Fund for Technical Assistance in the Field of Human Rights and reports on the activities of the High Commissioner for Human Rights.

II. OHCHR AND NATIONAL INSTITUTIONS

5. During the reporting period, OHCHR continued the implementation of its activities on national institutions, which included advisory missions by the High Commissioner's Special Adviser on National Institutions, Regional Arrangements and Preventive Strategies and/or staff members of the National Institutions (NI) Team to Argentina, Australia, Canada, Cambodia, Chile, Denmark, Ecuador, Fiji, Georgia, Germany, Ireland, Kenya, Jordan, Malaysia, Mexico, Mongolia, Nepal, New Zealand, Nigeria, the Republic of Moldova, Rwanda, Sierra Leone, South Africa, Sri Lanka, Sweden, Thailand, Togo, Uganda, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, including Kosovo.

6. During the reporting period OHCHR was invited to provide information, advice and/or assistance to Governments or administrations in relation to the establishment of such institutions in Armenia, Azerbaijan, Bangladesh, Burundi, Cambodia, Cape Verde, Chile, Côte d'Ivoire, East Timor, Ethiopia, Fiji, Gabon, Germany, Ireland, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Liberia, Malaysia, Mauritius, Mongolia, Nepal, the Republic of Korea, Sierra Leone, Thailand, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, including Kosovo.

7. Also during the reporting period, the Special Adviser and the NI Team provided information, advice or material support to a number of established NIs or similar bodies, including: the Australian Human Rights and Equal Opportunity Commission, the Canadian Human Rights Commission, the Danish Centre for Human Rights, the Defensor del Pueblo of Ecuador, the Fiji Human Rights Commission, the Public Defender of Georgia, the Ombudsman of Guyana, the Hong Kong Equal Opportunities Commission, the Jamaican Public Defender, the Latvian Human Rights Office, the Human Rights Commission of Indonesia, the Human Rights Commission of Malawi, the Malaysian Human Rights Commission, the Mexican Human Rights Commission, the Moldovan Human Rights Centre, the Mongolian Human Rights Commission, the Conseil consultatif des droits de l'homme of Morocco, the Human Rights Commission of Nepal, the New Zealand Human Rights Commission, the Nigerian Human Rights Commission, the Northern Ireland Human Rights Commission, the Human Rights Commission of Rwanda, the South African Human Rights Commission, the Human Rights Commission of Sri Lanka, the Human Rights Commission of Thailand, the Ugandan Human Rights Commission and the Zambian Human Rights Commission. Several other institutions have benefited from regional and/or subregional programmes of assistance provided to NIs in various regions.

8 During 2000/01, the Special Adviser and NI Team conducted several missions relating to high-level meetings, seminars and workshops providing advice or assistance to Governments; consultations with parliamentarians, established NIs, non-governmental organizations and representatives from the academic sector, technical cooperation needs assessment and project formulation missions, technical cooperation project steering committee meetings, and joint activities with organizations. The NI Team undertakes its work in close cooperation with several other United Nations agencies and programmes and other multilateral bodies. These include the United Nations Development Programme, UNICEF, United Nations Volunteers, the Council of Europe, the Organization for Security and Cooperation in Europe, the Commonwealth, the Organization of African Unity, the Inter-American Institute of Human Rights, the Asia-Pacific Forum of National Institutions, the Inter-Parliamentary Union and the Andean Commission of Jurists. They also include several other national institutes, such as the Raoul Wallenberg Institute (Sweden) and the Friedrich Naumann Foundation (Germany).

9 In addition, the NI Team responded to numerous requests from Governments and non-governmental organizations seeking general information concerning national institutions. Substantial assistance has also been provided to the Caribbean Ombudsman Association with ongoing consultations regarding cooperation with the Commonwealth Secretariat. The rapidly increasing number of national institutions received periodic information on human rights meetings and the activities of the Office, updated lists of United Nations publications, and intensive support for their participation in, and follow-up to, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

10 The work of national institutions is mainstreamed throughout OHCHR with the Special Adviser and the NI Team working closely with not only the Activities and Programmes Branch but also with the Research and Right to Development and the Support Services Branches. This is reflected in a number of joint initiatives at the national and regional levels (including in the Andean region, Ecuador, Gabon, Georgia, Guatemala, Mexico, the Republic of Moldova, Mongolia, the occupied Palestinian territory, Rwanda, Uganda and Yugoslavia). It is also reflected in thematic areas such as reproductive health, disabilities, trafficking, children and HIV/AIDS.

III. COOPERATION BETWEEN UNITED NATIONS HUMAN RIGHTS TREATY BODIES AND NATIONAL INSTITUTIONS

11 National institutions are important mechanisms not only for the promotion of human rights but also their protection. They play an important role at the national level in translating international norms into national ones and ensuring their implementation. One important aspect is the monitoring role which many national institutions play. National institutions also often play an important role in encouraging the ratification of international human rights treaties and in advising Member States concerning reservations they have made to these instruments, providing assistance in drafting legislation in compliance with international norms; monitoring the implementation of international instruments at the national level; contributing to State compliance with reporting obligations to treaty monitoring bodies; facilitating the follow-up process to the committees' consideration of national reports and their concluding observations, and contributing to specific plans of action to strengthen the implementation of adopted conventions.

12. The NI Team, with colleagues in the Support Services Branch, has brought to the attention of the treaty bodies the important role that national institutions can play in supporting the work of the treaty bodies in an independent capacity. At the annual meeting of the chairpersons of the treaty bodies a discussion paper highlighted the mutually beneficial relationship which can be established between treaty bodies and national institutions.

13. During the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, national institutions, together with representatives of treaty bodies, held a panel discussion to explore further how they could collaborate. This initiative was well received and has provided the impetus for discussions within the treaty bodies on engaging more actively with national institutions in an independent capacity.

IV. ACTIVITIES OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. Regional meetings of national institutions

14. In October, a number of European national institutions participated in the International Conference on Human Rights and Democratization organized by OHCHR and the Government of Croatia and held in Dubrovnik. National institutions also participated in the International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-Discrimination held in Spain in November 2001.

15. At the regional level, in July 2001, OHCHR participated in the conference "Coalition - building for human rights", organized by the Friedrich Naumann Foundation and the United Nations Association of Germany, at which an OHCHR representative spoke in the session on international human rights practice - national institutions and the procedural relevance of NGOs. In September 2001, OHCHR supported and participated in the sixth Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions, held in Sri Lanka. OHCHR also participated in the OSCE Human Dimension Implementation Meeting held in Poland in September 2001, where a special dialogue was held with the OSCE members on the role of ombudsman institutions in protecting human rights. Also in September, OHCHR participated in the European Union-Latin American-Caribbean Conference on the Work and Cooperation of Ombudsmen and National Human Rights Institutions organized by the Danish Centre for Human Rights.

16. OHCHR also participated in the second meeting of Euro-Mediterranean national institutions for the promotion and protection of human rights, held in Greece in November 2001. With the support of OHCHR, Chile hosted a workshop entitled "The Ombudsman in Chile: a possible challenge" in which OHCHR participated as did national institutions from the Andean region through a joint project of OHCHR and the Andean Commission of Jurists.

B. The role of national institutions in preparations for, during, and in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

17. National institutions and specialized agencies were accredited to the World Conference in accordance with article 65 of the rules of procedure of the Conference. Fifty national institutions took advantage of their right to participate in the Conference. Prior to the Conference national institutions participated in their own preparatory meeting co-organized by OHCHR and the South African Human Rights Commission in Johannesburg. National institutions from all regions met to plan their strategy for the Conference as well as to discuss a common approach to World Conference issues.

18. In Durban, national institutions presented a joint statement (adopted unanimously on 1 September) to the plenary and participated actively in the Conference working groups as well as the parallel events. The parallel events in which national institutions were particularly active included Elements of a global alliance against racism, racial discrimination, xenophobia and related intolerance; Roles and responsibilities of the human rights treaty bodies, national human rights institutions and other relevant institutions; Early warning and the resolution of racially motivated conflicts - the role of national institutions; Cooperation for the better protection of the rights of minorities; The Millennium African Recovery Plan - overcoming the legacy of racism; Strategies to combat racism: a South African case study; and Racism and the administration of justice.

19. Since the World Conference national institutions have been particularly active in follow-up initiatives. Activities relate to the review of national legislation for compliance with international norms regarding discrimination, the development of national action plans and national and local-level consultations on race; the strengthening of networks; the dissemination of information on race issues and human rights education; and addressing racism on the Internet, slavery and other World Conference-related issues.

20. At the international level, OHCHR has been working with the International Coordinating Committee of National Institutions to prepare for the Sixth International Workshop for National Institutions for the Promotion and Protection of Human Rights to be held in Copenhagen, and Lund, Sweden, from 10 to 13 April 2002. The Workshop will focus on follow-up to the World Conference with discussions revolving around remedies, monitoring, advocacy and education.

21. OHCHR will support the third Conference of African National Human Rights Institutions for the Promotion and Protection of Human Rights which will be held in Uganda in mid- to late 2002. As with other regional meetings, national institutions will share best practices on issues of particular concern to their region.

C. Information and education activities

22. In resolution 2001/80, the Commission on Human Rights encouraged efforts by national institutions to establish partnerships and increase cooperation with civil society. The resolution also reaffirmed the role of national institutions as appropriate agencies for the dissemination of human rights materials and other public information activities during the United Nations Decade

for Human Rights Education, 1995-2004. In this regard, OHCHR supported, in cooperation with the Danish Centre for Human Rights, the establishment of a national institutions Web site, www.nhri.net, as an important vehicle for the delivery of information to national institutions and their partners and for sharing best practices.

D. Promotion and protection of economic, social and cultural rights by national institutions

23. Further to the ninth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific region, held in Bangkok in February/March OHCHR supported, in cooperation with the Hong Kong Equal Opportunity Commission and the Asia-Pacific Forum of National Human Rights Institutions, a Regional Workshop on the Role of National Human Rights Institutions and other Mechanisms in Promoting and Protecting Economic, Social and Cultural Rights, held in Hong Kong in July 2001. The Workshop affirmed the importance of international standards on economic, social and cultural rights, particularly those enshrined in the International Covenant on Economic, Social and Cultural Rights. Participants urged Governments of the region that were not yet parties to the Covenant to do so.

24. In addition, during the reporting period OHCHR worked on developing a handbook for national institution practitioners on economic, social and cultural rights. This handbook will be an important resource for all national institutions.

E. Protection and promotion of the human rights of women by national institutions

25. Further to the Beijing Programme for Action and efforts by OHCHR and national institutions to promote and protect the rights of women, OHCHR has been preparing for a regional workshop in cooperation with the United Nations Population Fund and the Inter-American Institute for Human Rights on reproductive and sexual health to be held in Costa Rica in early 2002. Equally, a study will be commissioned to survey the work of national institutions within the Latin America and Caribbean region on these issues.

F. Protection and promotion of the human rights of children by national institutions

26. Regarding children's rights, OHCHR has provided comments to the European Network of Ombudsmen for Children with respect to national human rights institutions and the need to ensure that the internationally adopted standards concerning them are respected. Also during the reporting period OHCHR held consultations concerning the drafting of a general comment regarding national institutions by the Committee on the Rights of the Child.

V. CONCLUDING REMARKS

27. As evidenced in its work and highlighted in its Mission Statement, OHCHR is committed to strengthening national human rights institutions and recognizes the important role they can play in the realization of all human rights at the national, regional and international levels. With an ever-growing number of national institutions, it is important to encourage exchanges between those institutions and the United Nations human rights machinery and facilitate activities to

promote this exchange - including through seminars, workshops, training activities, preparation of information and initiatives aimed at establishing and strengthening national institutions - in order to ensure that the internationally adopted standards are adhered to. Regional or subregional meetings of established national institutions continue to prove very useful for sharing experiences and information on particular human rights concerns, as well as enabling Governments in the process of establishing such institutions to acquire information on experience in other countries. OHCHR will continue to support these regional consultations and endeavour to participate more actively and substantively in meetings at the regional level.

28. During the reporting period particular emphasis was given by OHCHR to reinforcing the Paris Principles endorsed by the United Nations General Assembly in 1993 in resolution 48/134. In addition, particular attention has been paid to ensuring that OHCHR, throughout its activities within all branches, works with national institutions and relies on their expertise.

29. OHCHR will continue to encourage national institutions, which played an active role in preparations for and during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to continue in their follow-up activities.

30. OHCHR will also continue to support national institutions in their activities in relation to the Commission on Human Rights as well as to the International Coordinating Committee of National Institution in accordance with the relevant General Assembly resolutions.